

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL MEMORANDUM

HB 583 – SB 1827

May 4, 2009

SUMMARY OF AMENDMENT (006829): Deletes all language after the enacting clause. Expands criminal proceeds subject to judicial forfeiture to include any real property used as an instrumentality in or used in furtherance of a violation of manufacturing, delivering, selling, or possessing a controlled substance, or the commission of three or more acts occurring on three or more separate days within a 60-day period with each act resulting in a felony conviction, or in the commission of three or more acts occurring on three or more separate days within a 60-day period with each act resulting in a conviction for promoting prostitution. Authorizes any person owning property as tenant in common whose interest in the property has not been forfeited to have first right to purchase the forfeited interest for its fair market value prior to the court-ordered sale. Requires the person to petition the appropriate circuit or criminal court at least 30 days prior to the date the court-ordered sale is to be conducted. "Fair market value" is determined by the average of three appraisals conducted by separate, qualified real estate appraisers selected by the court. If a court orders property forfeited that is held through tenancy by the entirety and the spouse's interest is not forfeited, the spouse shall have the first right to purchase the forfeited expectancy interest in the property subject to all bona fide liens on the property if the spouse petitions the court at least 15 days prior to the court-ordered sale.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue – Not Significant

Increase Local Revenue – Not Significant

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions applied to amendment:

- According to the District Attorneys General Conference, the proposed amendment broadens the current law on forfeiture to include property used as an instrumentality where there are requisite convictions for

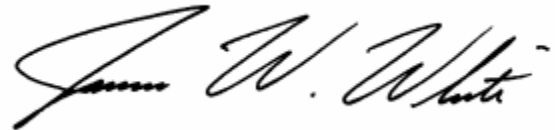
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felony drug offenses or promoting prostitution. Any increase in caseloads can be accommodated within existing resources without an increased appropriation or reduced reversion.

- Some increase in state and local revenue due to more property being sold as a result of this legislation. The increase in state and local revenue is estimated to be not significant.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc